

Remarks/Arguments:

Claim Status:

Claims 1-21 are currently pending in the instant matter. Claims 6-19 are withdrawn from consideration. Claims 20 and 21 are newly added by this Amendment. Support for claims 20 and 21 may be found in original claim 1 and Figure 15, for example. No new matter has been added.

Claim Rejections Under 35 U.S.C. 102:

Claims 1-5 stand rejected under 35 U.S.C. 102(b) as being anticipated by Lane (U.S. Patent No. 5,735,857). Applicants respectfully request reconsideration of these claims and respectfully submit that these claims are patentable over Lane for the reasons set forth below.

Independent claim 1 recites features that are neither disclosed nor suggested by Lane, namely, "a v-shaped gripping surface intersecting the longitudinal axis of the insertion rod."

According to one exemplary embodiment of the invention, the implant insertion device includes an insertion rod 64 and an implant gripper 66 extending from the insertion rod 64. The implant gripper 66 defines a v-shaped gripping surface 68. As best shown in Figures 14 and 15 of the instant application, the longitudinal axis of the insertion rod 64 intersects the v-shaped gripping surface 68.

Lane discloses a gripping instrument 10 for handling a prosthetic device 1. The gripping instrument includes a first elongated arm 11 pivotably coupled to a second elongated arm 12. Elongated arm 11 has a first gripping jaw 20 which is pivotably attached thereto, and elongated arm 12 has a second gripping jaw 30 which is swivelably attached thereto. The gripping surfaces of the instrument 10 (i.e., the surfaces that contact the implant 1) are defined on the jaws 20 and 30.

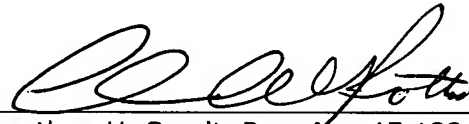
The Office Action contends that the Lane's locking mechanism 50 is analogous to an insertion rod. The longitudinal axis of Lane's locking mechanism 50 does not intersect a v-shaped gripping surface of Lane's gripping instrument.

Lane therefore fails to disclose or suggest every element of Applicants' claimed invention, as recited in claim 1. Accordingly, for the foregoing reasons, Applicants respectfully submit that independent claim 1, as amended, is patentable over Lane and should be allowed. Claims 2-5 are dependent upon claim 1, and therefore should also be allowable over Lane for at least the same reasons that claim 1 is allowable. Reconsideration of claims 1-5 is respectfully requested.

Conclusion

In view of the amendments in the claims and the remarks set forth above, Applicants respectfully submit that this application is now in condition for allowance, which action is respectfully requested.

Respectfully submitted,



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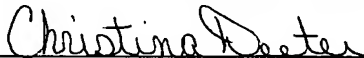
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